

E02662549US

PTO-1390 (Rev. 07-2004)

Approved for use through 3/31/07. OMB 0561-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 12886-5
		U.S. APPLICATION NO. (If known, see 37 CFR 1.6)
INTERNATIONAL APPLICATION NO. PCT/US03/04546	INTERNATIONAL FILING DATE 12 February 2003	PRIORITY DATE CLAIMED 12 February 2003
TITLE OF INVENTION MAGNETO - CYMATIC THERAPEUTIC OSCILLATING WAND		
APPLICANT(S) FOR DO/EO/US Vincent ARDIZZONE		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 37 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31. An assignment of the invention to: <u>Cymatics International Inc. (Informal)</u> 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items of information: 		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

DOCSNY1:1069910.1

PTO-1390 (Rev. 07-2004)
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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US03/04546		ATTORNEY'S DOCKET NUMBER 12886-5	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither International preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provision of PCT Article 33(2)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS	
				PTO USE ONLY	
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	2 - 20 =	0	x \$18.00		
Independent claims	0 - 3 =	0	x \$88.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$290.00		
TOTAL OF ABOVE CALCULATIONS =				920.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				460.00	
SUBTOTAL =				1,380.00	
Processing fee of \$130 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				335.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				+	
TOTAL FEES ENCLOSED =				1,715.00	
				Amount to be Refunded: \$	
				Charged: \$	
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>15-0665</u> in the amount of \$ <u>1,715.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayments to Deposit Account No. <u>15-0665</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charges to a credit card. WARNING: Information on this form may be come public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: Customer Number. <u>30120</u></p>					
<p>Orrick Herrington & Sutcliffe, LLP 666 Fifth Avenue New York, New York 10103 Tel: 212-506-5000 Fax: 212-506-5151</p>			<p><i>V. Mullally</i> SIGNATURE: <u>Veronica Mullally, Esq.</u> NAME <u>46.059</u> REGISTRATION NUMBER</p>		

Form PTO-1390 (REV 9-2004)

page 2 of 2

DOCSNY1:1069910.1



JC06 Rec'd PCT/PTO 16 MAY 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/508,447 Confirmation No.: 6702
Applicant : Vincent ARDIZZONE
Filing Date : February 12, 2003
Title : MAGNETO-CYMATIC THERAPEUTIC OSCILLATING WAND
Group Art Unit : UNKNOWN
Examiner : UNKNOWN
Docket No. : 12886-5
Customer No. : 30120

Commissioner For Patents
Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF MISSING PARTS

Sir:

1. DOCUMENTS ENCLOSED:

In response to the **NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**, which was mailed by the Patent Office on March 10, 2005. enclosed are:

- ☒ Declaration
- ☐ Power of Attorney: ☐ Separate or ☐ Combined with Declaration
- ☐ Assignment of the invention to _____ (together with PTO Form 1595)
- ☐ Statement Under 37 CFR § 3.73(b)
- ☐ Formal Drawings (_____ pgs)
- ☒ A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office

CERTIFICATE OF MAILING
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Missing Parts, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313/1450.

Dated: May 12, 2005

DOCSOC1:162871.1

Yolanda Bonilla

Applicant : Vincent ARDIZZONE
 Appl. No. : 10/508,447
 Examiner : UNKNOWN
 Docket No. : 12886-5

2. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☐ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$60.00	\$120.00
<input type="checkbox"/> two months	\$225.00	\$450.00
<input type="checkbox"/> three months	\$510.00	\$1,020.00
<input type="checkbox"/> four months	\$795.00	\$1,590.00
<input type="checkbox"/> five months	\$1,080.00	\$2,160.00
		Fee 0.00

- ☒ If any extension fee is required, please consider this a petition therefor.

3. FILING FEES

- ☐ Applicant claims small entity status pursuant to 37 CFR 1.27.

Basic Filing Fee		\$300.00
Search Fee		\$500.00
Examination Fee		\$200.00
Total Claims	- 20 = x \$50.00	\$550.00
Independent Claims	- 3 = x \$200.00	\$0.00
Application Size Fee <small>(\$250 for each additional 50 sheets or fraction thereof)</small>	- 100 = x 250.00	
Multiple Dependent Claims	\$360 (if applicable) <input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130 (if applicable) <input checked="" type="checkbox"/>	\$130.00
TOTAL OF ABOVE CALCULATIONS		\$0.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. <input type="checkbox"/>		\$0.00
Extension of Time (from above)		\$0.00
Assignment -- \$40 (if applicable) <input type="checkbox"/>		\$0.00
TOTAL FEES SUBMITTED HERewith		\$0.00

Applicant : Vincent ARDIZZONE
Appl. No. : 10/508,447
Examiner : UNKNOWN
Docket No. : 12886-5

4. Method of Payment of fees:

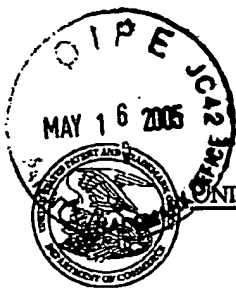
- ☐ A check in the amount of \$_____ is enclosed to cover the above fee(s).
☐ Charge Orrick's Deposit Account No. **15-0665** in the amount of **\$0.00**.
☒ The Commissioner is authorized to charge Orrick's Deposit Account No. **15-0665** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 12, 2005

By: *Veronica Mullally*
Veronica Mullally, Esq.
Reg. No. 46,059
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, New York 10103
212-506-5106
212-506-5151



Rec'd PCT/PTO

16 MAY 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/508,447	Vincent Ardizzone	12886-5

INTERNATIONAL APPLICATION NO.

PCT/US03/04546

IA. FILING DATE	PRIORITY DATE
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02/12/2003

30120
 ORRICK HERRINGTON + SUTCLIFFE LLP
 666 FIFTH AVENUE
 NEW YORK, NY 10103

CONFIRMATION NO. 6702
 371 FORMALITIES LETTER
 OC000000015686045
 OC000000015686045

Date Mailed: 04/12/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/20/2004
- Copy of the International Search Report filed on 09/20/2004
- Information Disclosure Statements filed on 09/20/2004
- U.S. Basic National Fees filed on 09/20/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/508,447	PCT/US03/04546	12886-5

FORM PCT/DO/EO/905 (371 Formalities Notice)